

Title	Civil Case Management: New Form to Request an Extension of Time to Serve a Pleading (approve form CM-020)
Summary	A new <i>Ex Parte Application and Order for Extension of Time To Serve Pleading</i> (form CM-020) would be approved to provide parties with a standardized, statewide form for optional use in requesting an extension of time to serve a complaint, cross-complaint, or other pleading.
Source	Civil and Small Claims Advisory Committee
Staff	Patrick O'Donnell, Committee Counsel, 415-865-7665 patrick.o'donnell@jud.ca.gov
Discussion	<p>Although there are some local court forms available for litigants to use to request an extension of time to serve pleadings, there is no statewide Judicial Council form available for this purpose. A standardized ex parte application for an extension of time to serve pleadings would be useful to the public.</p> <p>In particular, the proposed ex parte application form would implement rule 201.7(e) of the California Rules of Court, part of the case management rules adopted effective July 1, 2003. This rule provides:</p> <p style="padding-left: 40px;">The court, on its own motion or on the application of a party, may extend or otherwise modify the times [for service] provided in [this rule]. An application for a court order extending the time to serve a pleading must be filed before the time for service has elapsed. The application must be accompanied by a declaration showing why service has not been effected, documenting the efforts that have been made to effect service, and specifying the date by which service is proposed to be effected.</p> <p>The proposed form is designed for use in applying for extensions of time for serving a variety of pleadings, such as complaints, cross-complaints, and answers. It requires the applicant to provide information about any previous continuances that have been stipulated to or ordered. It insures that all the requirements of rule 379 (ex parte applications) are complied with in applying for an extension. This form will be located in the new series of case management forms (which begin with the designation "CM").</p> <p>Proposed new form CM-020 is attached.</p>

Attachments

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, state bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY <h1 style="text-align: center;">DRAFT 2</h1> <h1 style="text-align: center;">3/20/03</h1>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
EX PARTE APPLICATION AND ORDER EXTENDING TIME TO SERVE PLEADING	CASE NUMBER:

APPLICATION

1. Applicant (*name*):
 is
 a. ☐ plaintiff
 b. ☐ cross-complainant
 c. ☐ petitioner
 d. ☐ defendant
 e. ☐ cross-defendant
 f. ☐ respondent
 g. ☐ other (*describe*):

2. The complaint or other initial pleading in this action was filed on (*date*):

3. Applicant requests that the court grant an order extending time for service of the following pleading:
 - a. ☐ Complaint
 - b. ☐ Cross-complaint
 - c. ☐ Petition
 - d. ☐ Answer or other responsive pleading
 - e. ☐ Other (*describe*):

4. Service of the pleading listed in item 3 is presently required to be completed by (*date*):
 Previous applications, orders, or stipulations for an extension of time to serve in this action are:
 - a. ☐ None
 - b. ☐ The following (*describe all, including the length of any previous extensions*):

5. Applicant requests an extension of time to serve the pleading listed in item 3 on the following parties (*name each*):

HEARING DATE:
 DEPT.: _____ TIME: _____

CASE NAME:

CASE NUMBER:

6. The pleading has not yet been served upon the parties listed in item 5 for the following reasons *(describe the efforts that have been made to serve the pleading and why service has not been completed)*:

☐ Continued on Attachment 6.

7. Good cause exists for an extension of time to serve the pleading *(explain)*:

☐ Continued on Attachment 7.

8. If an extension of time is granted, service on the parties listed in item 5 will be completed by *(date)*:

9. Notice of this application has been provided under rule 379 as follows *(describe all parties or counsel to whom notice was given; the date, time, and manner of giving notice; what the parties or counsel were told and their responses; and whether opposition is expected)*:

☐ Continued on Attachment 9.

10. Number of pages attached: ____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME OF APPLICANT)

(SIGNATURE OF APPLICANT)

ORDER

1. The application for an order extending time to serve the pleading is

- a. ☐ granted
b. ☐ denied

2. The pleading must be served no later than *(date)*:

3. A copy of this application and order must be served on all parties or their counsel that have appeared in the case.

4. Other orders:

Date:

JUDICIAL OFFICER